

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

NOREEN WISCOVITCH-RENTAS,

Appellant,

v.

PHARMACEUTICAL PROCESSES,

Appellee.

Civil Nos. 08-1738 (JAF)
08-1739 (JAF)

O R D E R

On June 7, 2008, Appellant Noreen Wiscovitch-Rentas, the Chapter 7 trustee of Debtor Maxon Engineering, filed notices of appeal of the judgment issued by the United States Bankruptcy Court dismissing adversary proceedings against consolidated Appellees Pharmaceutical Processes and José Camuy. Case No. 08-1738, Docket No. 1; Case No. 08-1739, Docket No. 1. On October 9, 2008, Appellant filed a motion to consolidate several related bankruptcy cases pending on appeal, and an extension of time to file the appellate brief. Case No. 08-1738, Docket No. 2. We consolidated the two cases pending before this court, 08-1738 and 08-1739, on October 27, 2008. Case No. 08-1738, Docket No. 3. On November 17, 2008, Appellant filed her appellate brief. Case No. 08-1738, Docket No. 4.

On December 17, 2008, we issued an order to show cause as to why we should not dismiss the appeal for failure to timely file an

Civil Nos. 08-1738 & 08-1739 (JAF)

-2-

1 appellate brief. Case No. 08-1738, Docket No. 6. Appellant responded
2 on December 19, 2008. Case No. 08-1738, Docket No. 7.

3 Federal Rule of Bankruptcy Procedure 8009(a) provides that
4 "[u]nless the district court . . . excuses the filing of briefs or
5 specifies different time limits, [t]he appellant shall serve and file
6 a brief within 15 days after entry of the appeal." We may dismiss an
7 appeal for failure to file a brief or request an extension within the
8 time allotted by Rule 8009(a). Rodríguez-Quesada v. U.S. Trustee, 222
9 B.R. 193, 199 (D.P.R. 1998); see Case No. 08-1733, Docket No. 13.
10 Appellant filed her request for an extension of time three months
11 after the entry of the appeal and filed her appellate brief more than
12 four months after the entry of the appeal. Appellant has not provided
13 adequate reasons for her tardiness. Accordingly, we find the appeal
14 untimely.

15 We note that were we to rule on the merits of this case, we
16 would adopt the opinion and order entered by the district court in
17 08-1740, mutatis mutandis, affirming the decision of the bankruptcy
18 court in the related case. See Case No. 08-1740, Docket No. 8.

19 For the reasons stated herein, we **DISMISS** Appellant's appeals in
20 Case Nos. 08-1738 and 08-1739 **WITH PREJUDICE**.

21 **IT IS SO ORDERED.**

22 San Juan, Puerto Rico, this 11th day of March, 2009.

23 s/José Antonio Fusté
24 JOSE ANTONIO FUSTE
25 Chief U.S. District Judge